

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Brian J. Miller
Anita M. Osborne
Debtor(s)

Bankruptcy Case No.: 19-21844-TPA
Per July 22, 2019 proceeding
Chapter: 13
Docket No.: 40 - 18
Concil. Conf.: 11/7/19 at 01:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 22, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 11/7/19 at 01:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Dollar Bank (Claim No. 12); Allegheny County (Claim 16) PWSA (Claim 15) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: July 26, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Brian J. Miller
 Anita M. Osborne
 Debtors

Case No. 19-21844-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 42

Date Rcvd: Jul 26, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 28, 2019.

db/jdb
 cr +Brian J. Miller, Anita M. Osborne, 465 Fernhill Ave., Pittsburgh, PA 15226-1352
 +City of Pittsburgh and City of Pittsburgh School D, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES OF AMERICA 15219-6101
 cr +County of Allegheny, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 15045965 +Allegheny County Treasurer, c/o Jordan Tax Service Inc., Po Box 200,
 Bethel Park, PA 15102-0200
 15045966 +Allegheny Health Network, PO Box 645266, Pittsburgh, PA 15264-5250
 15073198 +COMCAST, PO BOX 1931, Burlingame, CA 94011-1931
 15074163 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 15045967 +City & School District of Pittsburgh, c/o Jordan Tax Service Inc., Po Box 200,
 Bethel Park, PA 15102-0200
 15089143 +City of Pittsburgh/School Dist. of Pittsburgh, Goehring Rutter & Boehm,
 c/o Jeffery R. Hunt, Esq., 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh PA 15219-6101
 15063759 +Comcast, 300 Corliss Street, Pittsburgh, PA 15220-4864
 15089162 +County of Allegheny, Goehring Rutter & Boehm, c/o Jeffery R. Hunt, Esq.,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh PA 15219-6101
 15045968 +Dollar Bank, 300 Tuscarawas St. West, 8th Floor, Canton, OH 44702-1914
 15045969 +Dollar Bank, Kristine Anthou, Esq., Grenen & Bersic, 1 Gateway Center, 9th Floor,
 420 Fort Duquesne Blvd, Pittsburgh, PA 15222-1435
 15084774 +Dollar Bank, FSB, 300 West Tuscarawas Street, Canton, OH 44702-1911
 15084775 Dollar Bank, FSB, c/o Brian M. Kile, Esquire, Grenen & Birsic, PC,
 One Gateway Center, 9th Floor, Pittsburgh, PA 15222
 15063763 +Dr. George Bellios, 3247 West Liberty Avenue, Pittsburgh, PA 15216-2319
 15045970 Foot and Ankle Associates, c/o Montgomery Lynch & Assoc., Po Box 22720,
 Beachwood, OH 44122-0720
 15063765 Home Depot/Citibank, P.O. Box 79083, Saint Louis, MO 63179
 15045971 +Home Depot/Citibank/Midland Funding, c/o Atlantic Credit & Finance, Po Box 2083,
 Warren, MI 48090-2083
 15063768 +Klingensmith Inc., PO Box 192, Ford City, PA 16226-0192
 15063771 +PHEAA, 1200 North Seventh Street, Harrisburg, PA 17102-1444
 15082252 +PHEAA, PO BOX 8147, HARRISBURG PA 17105-8147
 15063773 +PWSA, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222-4216
 15089159 +Pittsburgh Water and Sewer Authority, Goehring Rutter & Boehm, c/o Jeffery R. Hunt, Esq.,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh PA 15219-6101
 15077225 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15078083 +Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh, NC 27605-1000
 15045972 Wells Fargo Dealer Services, P.O. Box 25341, Santa Ana, CA 92799-5341

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfolio recovery.com Jul 27 2019 02:43:04
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15063757 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 27 2019 02:41:52 Capital One,
 4851 Cox Road, Glen Allen, VA 23060-6293
 15072272 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 27 2019 02:43:02
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15063760 E-mail/Text: documentfiling@lciinc.com Jul 27 2019 02:43:46 Comcast, PO Box 3001,
 Southeastern, PA 19398-3001
 15083210 +E-mail/Text: kbarkley@bernsteinlaw.com Jul 27 2019 02:45:18 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15063767 E-mail/Text: cio.bncmail@irs.gov Jul 27 2019 02:44:26 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 15063769 E-mail/Text: bncnotices@becket-lee.com Jul 27 2019 02:44:23 Kohl's, PO Box 2983,
 Milwaukee, WI 53201-2983
 15081093 E-mail/Text: camanagement@mtb.com Jul 27 2019 02:44:27 Lakeview Loan Servicing, LLC,
 c/o M&T Bank, P.O. Box 840, Buffalo, NY 14240-0840
 15063770 E-mail/Text: camanagement@mtb.com Jul 27 2019 02:44:27 M&T Bank, PO Box 62182,
 Baltimore, MD 21264-2182
 15069784 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 27 2019 02:44:50 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 15063772 +E-mail/Text: hwalz@pghffcu.com Jul 27 2019 02:44:19 Pittsburgh Firefighters FCU,
 500 S. Main Street, Pittsburgh, PA 15220-5487
 15046653 +E-mail/PDF: gecsedirecoverycorp.com Jul 27 2019 02:41:50 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15063774 E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jul 27 2019 02:43:44
 Verizon, 500 Technology Drive, Suite 550, Water Spring, MO 66304

District/off: 0315-2

User: lmar
Form ID: 149

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Total Noticed: 42

Date Rcvd: Jul 26, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15063776 +E-mail/Text: documentfiling@lciinc.com Jul 27 2019 02:43:47 Xfinity, 676 Island Pond Road, Manchester, NH 03109-5420

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T Bank as servicer for Lakeview Loan Servicing,
cr* +Dollar Bank, FSB, 300 West Tuscarawas Street, Canton, OH 44702-1911
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15063755* +Allegheny County Treasurer, c/o Jordan Tax Service Inc., Po Box 200,
Bethel Park, PA 15102-0200
15063756* +Allegheny Health Network, PO Box 645266, Pittsburgh, PA 15264-5250
15063758* +City & School District of Pittsburgh, c/o Jordan Tax Service Inc., Po Box 200,
Bethel Park, PA 15102-0200
15063761* +Dollar Bank, 300 Tuscarawas St. West, 8th Floor, Canton, OH 44702-1914
15063762* +Dollar Bank, Kristine Anthou, Esq., Grenen & Bersic, 1 Gateway Center, 9th Floor,
420 Fort Duquesne Blvd, Pittsburgh, PA 15222-1435
15063764* Foot and Ankle Associates, c/o Montgomery Lynch & Assoc., Po Box 22720,
Beachwood, OH 44122-0720
15063766* +Home Depot/Citibank/Midland Funding, c/o Atlantic Credit & Finance, Po Box 2083,
Warren, MI 48090-2083
15063775* Wells Fargo Dealer Services, P.O. Box 25341, Santa Ana, CA 92799-5341

TOTALS: 1, * 10, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 28, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 26, 2019 at the address(es) listed below:

Brian M. Kile on behalf of Creditor Dollar Bank, FSB bkile@grenenbirsic.com,
mcpupec@grenenbirsic.com;lstanger@grenenbirsic.com
James Warmbrodt on behalf of Creditor M&T Bank as servicer for Lakeview Loan Servicing, LLC
bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor City of Pittsburgh and City of Pittsburgh School
District jhunt@grblaw.com, cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,
cnoroski@grblaw.com
Kenneth Steidl on behalf of Joint Debtor Anita M. Osborne julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste
inberg.com
Kenneth Steidl on behalf of Debtor Brian J. Miller julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste
inberg.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 10